

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:21-CV-00652-FDW-DSC**

KANDICE L. LIGHTNER, JAYLIN R.  
LIGHTNER, BARBARA LIGHTNER,  
MAURICE LIGHTNER, BERNADETTE L.  
LIGHTNER, PAGE R. LIGHTNER, JR., and  
BRIDGET LIGHTNER,

Plaintiffs,

v.

LINCOLN LIFE ASSURANCE COMPANY  
OF BOSTON F/K/A LIBERTY LIFE  
ASSURANCE COMPANY OF BOSTON,  
LINCOLN NATIONAL LIFE INSURANCE  
CORPORATION, LINCOLN NATIONAL  
CORPORATION, COLLIERS  
INTERNATIONAL USA, LLC, COLLIERS  
INTERNATIONAL USA, LLC &  
AFFILIATED EMPLOYERS 401(K) PLAN,  
PRINCIPAL FINANCIAL SERVICES, INC.  
d/b/a PRINCIPAL LIFE INSURANCE  
COMPANY, and DIONTE LONG,

Defendants.

**ORDER**

THIS CASE came before this Court and upon the Motion of Plaintiffs Kandice L. Lightner, Jaylin R. Lightner, Barbara Lightner, Maurice Lightner, Bernadette L. Lightner, Page R. Lightner, Jr., and Bridget Lightner, and Defendant Dionte Long (collectively the “Parties”).

The Court, having considered the Parties’ Joint Motion for Entry of Settlement Agreement, hereby GRANTS the motion, (Doc. No. 47), and accepts the settlement agreement submitted by the Parties. For the reasons stated therein, the Court also GRANTS the Motion to Deposit Funds, (Doc. No. 41).

**NOW THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED** that:


1. The Parties' Joint Motion for Entry of Settlement Agreement, (Doc. No. 47) is GRANTED,
2. Defendant Colliers International USA, LLC's and, to the extent it is a separately named defendant, Colliers International USA, LLC & Affiliated Employers' 401(k) Plan (together "Colliers") Motion to Deposit Fund, (Doc. No. 41), is GRANTED;
3. Colliers and/or Defendant Principal Life Insurance Company, improperly named as Principal Financial Services, Inc. D/B/A/ Principal Life Insurance Company, ("Principal") are directed to liquidate and deposit the assets of the 401(k) Account within twenty-one (21) days upon entry of this order into the Registry of this Court. It is further Ordered that upon payment of the proceeds all claims alleged in this action as against Colliers and Principal shall be dismissed with prejudice, and all liability arising out of and in connection with the 401(k) Account shall be released as against Colliers and Principal. It is further ordered that Plaintiffs along with any ultimate recipient of the proceeds of the 401(k) Account shall provide written notice to Colliers and Principal of their receipt of such proceeds within ten (10) days of the date of the final order disbursing such proceeds.
4. The Federal Clerk of Court shall immediately distribute the funds that were the subject of this matter as follows:
  - a. Fifteen thousand dollars ("(\$15,000.00) from the funds deposited by Lincoln National Life Insurance Company should be issued to Dionte Long's counsel, Sherrill & Emehel, PA, and shall be made payable to "Sherrill and Emehel Trust Account", and deliverable to Sherrill & Emehel, PA, 1850 E. 3rd. Street, Suite 320, Charlotte, North Carolina, 28204. These funds will be accepted to resolve all fees including but not limited to any allocation to Dionte Long's guardian ad litem, "W. Terry Sherrill" and all issues regarding the Petition for Services Rendered by Terry Sherrill as Guardian ad Litem (Document 38),
  - b. Plaintiffs collectively shall take the remaining funds deposited by Lincoln National Life Insurance Company that total amount of \$271,000.00 and any interest accrued and calculated at the time of disbursement. The disbursement shall be transmitted to Lightner's counsel, McAdoo Law Group, PLLC, and shall be made payable to

“McAdoo Law Trust,” and deliverable to McAdoo Law Group, PLLC, 122 N. McDowell St., Charlotte, North Carolina, 28204, and

- c. Upon deposit with the Clerk of Court, Plaintiffs shall receive all funds and ownership of the proceeds of the 401(k) Account. The disbursement shall be transmitted to Plaintiffs’ counsel, McAdoo Law Group, PLLC, and shall be made payable to “McAdoo Law Trust,” and deliverable to McAdoo Law Group, PLLC, 122 N. McDowell St., Charlotte, North Carolina, 28204.
5. The Clerk of Court is respectfully DIRECTED to terminate all other pending motions, (Doc. Nos. 38, 39, 40); terminate the hearing scheduled for September 11, 2023; and CLOSE THIS CASE.

**IT IS SO ORDERED.**

Signed: September 11, 2023

  
Frank D. Whitney  
United States District Judge

